



House of Representatives

General Assembly

File No. 224

January Session, 2005

Substitute House Bill No. 6652

House of Representatives, April 7, 2005

The Committee on Energy and Technology reported through REP. FONTANA of the 87th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CONNECTICUT TELEVISION NETWORK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 16-331a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) Each company or organization selected pursuant to subsection
5 (c) of this section, in consultation with the franchise's advisory council,
6 shall provide facilities, equipment, and technical and managerial
7 support to enable the production of meaningful community access
8 programming within its franchise area. Each company shall include all
9 its community access channels, including, but not limited to, the
10 Connecticut Television Network in its basic or expanded basic service
11 package. The Connecticut Television Network shall be deemed
12 governmental access programming pursuant to the provisions of 47
13 USC 531. Each company or organization shall annually review its

14 rules, regulations, policies and procedures governing the provision of
15 community access programming. Such review shall include a period
16 for public comment, a public meeting and consultation with the
17 franchise's advisory council.

18 Sec. 2. Section 16-331a of the general statutes is amended by adding
19 subsection (o) as follows (*Effective from passage*):

20 (NEW) (o) If, on or after the effective date of this section, such
21 organization or company includes or maintains the Connecticut
22 Television Network on a dedicated channel in its basic or expanded
23 basic service package, the department may, on application, grant an
24 extension of a franchise to such organization or company for up to one
25 year. If such company does not continuously, beginning on and after
26 July 1, 2006, include Connecticut Television Network on a dedicated
27 channel in its basic or expanded basic service package, the department
28 may grant a renewal of a franchise to such company pursuant to this
29 section for a term of no more than five years. The provisions of this
30 subsection shall not apply if such organization or company shows, on
31 or before January 1, 2006, to the satisfaction of the Department of
32 Public Utility Control, that it is technically or legally infeasible to place
33 such network on a dedicated channel in its basic or expanded basic
34 service package and if such organization or company offers such
35 network to community access channels twenty-four hours each day,
36 seven days each week.

37 Sec. 3. Subsection (b) of section 7-374 of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective from*
39 *passage*):

40 (b) No town and no municipality coterminous with or within such
41 town shall incur any indebtedness in any of the following classes
42 through the issuance of bonds which will cause the aggregate
43 indebtedness, in that class, of such town and of all municipalities
44 coterminous with and within such town, jointly, to exceed the multiple
45 stated below for each class times the aggregate annual receipts of such
46 town and of all municipalities coterminous with and within such town,

47 jointly, from taxation for the most recent fiscal year next preceding the
48 date of issue: (1) All debt other than debt for urban renewal projects,
49 water pollution control projects, school building projects, as defined in
50 section 10-289, and the funding of an unfunded past benefit obligation,
51 as defined in section 7-374c, two and one-quarter; (2) debt for urban
52 renewal projects, three and one-quarter; (3) debt for water pollution
53 control projects, three and three-quarters; (4) debt for school building
54 projects, as defined in section 10-289, four and one-half; (5) debt for the
55 funding of an unfunded past benefit obligation, as defined in section 7-
56 374c, three; and (6) total debt including subdivisions (1), (2), (3), (4) and
57 (5) of this subsection, seven. In the computation of annual receipts
58 from taxation, there shall be included as such receipts interest,
59 penalties, late payment of taxes and payments made by the state to
60 such town and to municipalities coterminous with and within such
61 town under section 12-129d and section 7-528. In computing such
62 aggregate indebtedness, there shall be excluded each bond, note and
63 other evidence of indebtedness (i) issued in anticipation of taxes; (ii)
64 issued for the supply of water, for the supply of gas, for the supply of
65 electricity, for the construction of subways for cables, wires and pipes,
66 for the construction of underground conduits for cables, wires and
67 pipes, for the construction and operation of a community antenna
68 television system and for two or more of such purposes; (iii) issued in
69 anticipation of the receipt of proceeds from assessments which have
70 been levied upon property benefited by any public improvement; (iv)
71 issued in anticipation of the receipt of proceeds from any state or
72 federal grant for which the town or municipality has received a written
73 commitment or for which an allocation has been approved by the State
74 Bond Commission or from a contract with the state, a state agency or
75 another municipality providing for the reimbursement of capital costs
76 but only to the extent such indebtedness can be paid from such
77 proceeds; (v) issued for water pollution control projects in order to
78 meet the requirements of an abatement order of the Commissioner of
79 Environmental Protection, provided the municipality files a certificate
80 signed by its chief fiscal officer with the commissioner demonstrating
81 to the satisfaction of the commissioner that the municipality has a plan

82 for levying a system of charges, assessments or other revenues which
 83 are sufficient, together with other available funds of the municipality,
 84 to repay such obligations as the same become due and payable; and
 85 (vi) upon placement in escrow of the proceeds of refunding bonds,
 86 notes or other obligations or other funds of the municipality in an
 87 amount sufficient, together with such investment earnings thereon as
 88 are to be retained in said escrow, to provide for the payment when due
 89 of the principal of and interest on such bond, note or other evidence of
 90 indebtedness. "Urban renewal project", as used in this section, shall
 91 include any project authorized under title 8, the bonds for which are
 92 not otherwise, by general statute or special act, excluded from the
 93 computation of aggregate indebtedness or borrowing capacity. In the
 94 case of a town that is a member of a regional school district, a portion
 95 of the aggregate indebtedness of such regional school district shall be
 96 included in the aggregate indebtedness of such town for school
 97 building projects for the purposes of this section. Such portion shall be
 98 determined by applying to the indebtedness of the district, other than
 99 indebtedness issued in anticipation of the receipt by the district of
 100 payments by its member towns or the state for the operations of such
 101 district's schools and of proceeds from any state or federal grant for
 102 which the district has received a written commitment or for which an
 103 allocation has been approved by the State Bond Commission or from a
 104 contract with the state, a state agency or another municipality
 105 providing for the reimbursement of capital costs but only to the extent
 106 such indebtedness can be paid from such proceeds, such member
 107 town's percentage share of the net expenses of such district for the
 108 most recent fiscal year next preceding the date of issue payable by such
 109 town as determined in accordance with subsection (b) of section 10-51.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	16-331a(b)
Sec. 2	<i>from passage</i>	16-331a
Sec. 3	<i>from passage</i>	7-374(b)

ET *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Utility Control, Dept.	CC&PUCF - None	None	None

Note: CC&PUCF=Consumer Counsel and Public Utility Control Fund

Municipal Impact: None

Explanation

The bill has no fiscal impact on the ability of towns to issue bonds for municipal projects because it exempts bonds issued for the construction and operation of cable TV systems from municipal bonding limits. There is no fiscal impact to the Department of Public Utility Control.

OLR BILL ANALYSIS**sHB 6652*****AN ACT CONCERNING THE CONNECTICUT TELEVISION NETWORK*****SUMMARY:**

This bill imposes various requirements on cable TV companies with regard to community access channels, notably the Connecticut Television Network (CTN).

The bill exempts municipal bonds issued for the construction and operation of cable TV systems from municipal bonding limits. By law, the Department of Public Utility Control (DPUC) can grant a municipality a franchise to provide cable TV service.

EFFECTIVE DATE: Upon passage

COMMUNITY ACCESS CHANNELS

Under current law, cable TV companies must include all community access channels (public, educational, and governmental access) in their basic service package. The bill alternatively allows the company to include these channels in either its basic services or its extended basic service package. The extended service package includes more channels than basic service, usually for a higher rate.

The bill specifically includes CTN in this requirement. It deems CTN to be government access programming under federal law. As a result, DPUC may require (1) a cable company to carry CTN, and (2) a company to carry CTN as a government access channel. Under federal law, these requirements can only apply to new or renewed franchises.

The bill allows DPUC to extend a company's existing franchise by up to one year if it, or the nonprofit organization that provides community access services in the franchise area, includes or maintains CTN in its basic or extended basic service on or after the bill's effective date (upon passage).

The law allows DPUC to grant a franchise for up to 15 years if the company meets various criteria but prohibits it from granting a franchise for more than five years if a company fails to meet other criteria, including the provision of government access programming and CTN. The bill additionally precludes DPUC from granting a franchise for more than five years unless the company, starting July 1, 2006, continuously carries CTN as a dedicated channel in its basic or extended basic service.

The bill's franchising provisions do not apply to a company or organization that demonstrates to DPUC, by January 1, 2006, that (1) it is technically or legally infeasible to include CTN as a dedicated channel as part of these services and (2) the company or organization offers CTN to community access channels 24 hours per day, seven days per week (e.g., the company or organization makes CTN programming available to municipalities operating government access channels).

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 15 Nay 1